

## Sale of Land (Ireland) Bill.

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### MEMORANDUM.

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The object of this Bill is to bring the Purchase of Land and Congested Districts (Ireland) Act, 1891, into operation by enabling tenants to compel their landlords to sell at a price to be fixed by the Land Commission. It is only proposed to allow this compulsion to be exercised in cases where three-fourths of the tenants on an estate, or all the tenants on a townland, are convinced of the disadvantages of the present system. The price is left to the discretion of the Land Commission, but is not to include any part of the present value of the holding which is due to any improvement which is not proved to have been made by the landlord. No allowance is made for the loss of amenity or other incidental advantages of ownership, but on the other hand such provision is made for the shortening of the proof of title, and the simplification of the procedure on sale in other ways, that the landlord whose land is taken compulsorily would effect a considerable saving in law costs. It is believed that in this way it would be possible to avoid the block of business which would probably occur if compulsory sale were introduced without some such simplification of procedure. At the same time, as vesting orders give an indefensible title, the tenant purchasers would not run any risk. Provision is made for arrears, and for the payment of a sum in lieu of rent to the landlord prior to the completion of the sale.

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## A

## B I L L

## TO

Provide for the Compulsory Sale of Land in certain cases  
in Ireland.

A.D. 1893.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1.—(1.) Tenants on any estate, being not less than three-fourths in number of the tenants on such estate, or being the whole number of tenants on any part of such estate situate in one townland, may, by notice to the landlord in the prescribed manner, offer to buy his interest in the land in their occupation at the price in such notice  
10 mentioned, and such notice is herein-after described as the notice to treat.

Notice to treat and originating application for compulsory sale of land.

- (2.) If within *three months* after receipt of the notice to treat the landlord has not agreed to sell under the Land Purchase (Ireland) Acts, 1870 to 1891, at the price therein mentioned, or at  
15 other prices agreed upon between the parties, the said tenants may apply by originating application in the prescribed manner to the Land Commission for the purchase of the landlord's interest in their holdings at a price to be fixed by the Land Commission.

- (3.) No notice to treat or originating application shall be bad by  
20 reason of any technical or trivial defect, and the Land Commission may in the prescribed manner remedy any such defect.

- (4.) Where any of the tenants applying in respect of any holding in any townland holds other part of the same estate contiguous thereto in any other townland he may include such other part in  
25 his application.

2.—(1.) The Land Commission shall on receipt of an originating application fix the price of the landlord's interest in each holding included in such application.

Made of fixing the price of holdings

[Bill 34.]

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A.D. 1893.  
compulsorily  
sold.

(2.) Such price shall be fixed in such summary manner as may be prescribed, and shall be equal to the capital value of the landlord's interest in the holding; provided nevertheless that—

- (a.) The Land Commission shall not include in their estimate of the capital value of the landlord's interest any part of the value 5 of the holding which is due to any improvement proved or appearing to have been made at any previous time by anyone, unless such improvement shall have been proved, on application by the landlord in the prescribed manner, to have been made by the landlord or by previous owners in fee; 10
- (b.) No addition shall be made to the price on account of loss of amenity, severance of the lands taken from or other injury to the other lands of the landlord, or any other circumstance which would not bring any increase of advantage to the tenant purchaser; 15
- (c.) The price shall be such that, having regard to the position and prospects of the tenant, and to all the circumstances of the case, there would be adequate security for an advance to the tenant for the purchase of his holding equal to such price.

The mode  
of carrying  
compulsory  
sales into  
effect.

3.—(1.) Immediately on the fixing of the price the Land Com- 20 mission shall, acting in the prescribed manner without the consent of landlord or incumbrancer, or of any other court, proceed to order the sale of the holding at such price, and the advance of the amount thereof under the Purchase of Land and Congested Districts (Ireland) Act, 1891, by the issue of a sum of guaranteed land stock 25 equal in nominal amount to such price and the retention of the guarantee deposit, and to make such order as they may think fit under section fourteen of the Land Law (Ireland) Act, 1887, or otherwise in the prescribed manner, for expediting the proceedings in the sales. 30

(2.) The Land Commission may by order do any act or thing necessary for the carrying out of the sale on behalf of landlord or incumbrancer or other person, or on behalf of any court.

(3.) The Land Commission may make any order they may think fit for the payment of costs of any party out of the guaranteed land 35 stock so issued or out of the proceeds of sale thereof or otherwise.

Provision  
for arrears.

4. The Land Commission may by order declare that a sum not exceeding *one year's* annual value of the holding may be added to the price of the landlord's interest in the holding as a full discharge of all arrears up to the date of the originating application, and such 40 sum may be treated, for all the purposes of the sale, as if it had been part of the price of the landlord's interest in the holding.

5. The tenant shall pay to the landlord from the date of the originating application to the date of the order for sale *seventy* per cent. of any sum which would have been due for rent during the same period.

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Payments to the landlord prior to completion of the sale.

6. If the Land Commission are unable in any case to carry out any sale, they shall make such order concerning the payments due to the landlord in respect of the period prior to such order as they may think fit.

Proceedings in case of attempted sale which cannot be carried out.

7.—(1.) The Land Commission in carrying out sales under this Act shall not be entitled to require any better proof of title than would a purchaser under the Vendor and Purchaser Act, 1874, and the Conveyancing and Law of Property Act, 1881, and any Act amending the same; provided also that for this purpose the Vendor and Purchaser Act, 1874, shall be construed as if in section one the words "*twenty years*" were substituted for the words "*forty years*"; and in section two the words "*ten years*" for the words "*twenty years*."

Proof of title in cases of compulsory sale.

(2.) No costs incurred in proving any title which shall not have been certified by the Land Commission to have been necessarily incurred under this section shall be allowed on taxation.

8. No decision of the Land Commission under this Act shall be subject to any appeal except on questions of law.

Appeal.

9. In this Act—

Interpretation.

"Landlord" includes mortgagee in possession or the agent of landlord or mortgagee in possession;

"Tenant" shall include a tenant formerly in possession of the holding within the meaning of section thirteen of the Purchase of Land (Ireland) Act, 1891, but shall not include any person who was not by himself or his predecessors in title in occupation of the holding prior to the fifteenth day of May in that section mentioned;

"Prescribed" means prescribed by rules of the Land Commission made under this Act;

"Land Commission" means the Commissioners appointed under the Purchase of Land (Ireland) Act, 1885, or one of them.

10. Save as aforesaid and where the context otherwise requires, this Act shall be construed as one with the Purchase of Land (Ireland) Acts, 1870 to 1891, and may be cited as the Sale of Land (Ireland) Act, 1893, and this Act and those Acts may be cited together as the Purchase of Land (Ireland) Acts, 1870 to 1893.

Short title, mode of citation, and construction.

# **Sale of Land (Ireland).**

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## **B I L L.**

To provide for the Compulsory Sale of  
Land in certain cases in Ireland.

*(Prepared and brought in by  
Mr. Stansfeld, Mr. Stirling, Mr. Esau,  
and Mr. Pendergast.)*

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*Ordered, by The House of Commons, to be Printed,  
1 February 1861.*

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PRINTED BY BALL AND CLAPHAM,  
PRINTERS IN ORDINARY TO HER MAJESTY.

LONDON: SOLD BY ALL BOOKSELLERS;  
WILKINSON'S, 15, MARK LANE; AND BY THE  
PRINTERS, 15, MARK LANE.  
First Printed by J. Ball, 15, MARK LANE, 1861.  
Second Edition, by J. Ball, 15, MARK LANE, 1861.

[Price 1s.]

[D.B. 24.]